

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- May 18, 1966

Appeal No. 8718 A. Goldberg, appellant

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting on May 31, 1966.

EFFECTIVE DATE OF ORDER -- July 20, 1966

ORDERED:

That the appeal for a variance from the use provisions of the R-4 District to permit an upholstery shop in lieu of nonconforming hand laundry at 601 N Street, NW., lot 1, square 447, be denied.

FINDINGS OF FACT:

- (1) Appellant's property is located in an R-4 District
- (2) The lot is improved with a three story building, the two upper floors being used as apartments.
- (3) Appellant proposes to use the first floor as an upholstery shop.
- (4) The subject premises have been used for various purposes -- drug store, cafe, night club, furniture store, delicatessen, and hand laundry -- since 1921. The last use was a hand laundry with less than five employees, which vacated the premises approximately four months prior to the hearing.
- (5) The proposed upholstery shop would have no more than two employees, no trucks. A truck would be on call to handle any heavy furniture.
- (6) The upholstery shop has occupied the premises for three months without an occupancy permit.
- (7) No opposition was registered at the public hearing.

OPINION:

We are of the opinion that appellant has failed to prove a hardship within the meaning of the variance clause of the Zoning Regulations. It is uncontested that the subject property can be used for the zoned purpose. The only evidence presented went to establish the existence of previous nonconforming uses. The granting of the requested relief would not be consistent with the zone plan as embodied in the Zoning Regulations and Map and would be detrimental to the public good.

Even though appellant showed the existence of prior non-residential uses at the subject premises, the immediate past use was classified as C-1 while the requested use is classified C-2. Therefore, the prior use was a more restrictive use than the proposed upholstery shop. In addition, there is a question as to whether an upholstery shop is a neighborhood facility within the meaning of the Zoning Regulations.